

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SEEMA KHAN,

NO. 5:10-cv-04305-EJD

Plaintiff(s),

**ORDER DENYING REQUEST TO
ENLARGE TIME AND DISMISSING CASE
WITHOUT PREJUDICE**

v.

WORLD SAVINGS BANK, FSB.,

Defendant(s).

Presently before the Court is Plaintiff's Motion to Enlarge Time to file an amended complaint, as well as Plaintiff's request the Court "grant a stay in this case due to the ongoing and active" bankruptcy proceedings involving Plaintiff. See Docket Item No. 25.

On January 14, 2011, the Court dismissed Plaintiff's complaint, having determined Plaintiff failed to state a claim. See Docket Item No. 16. The Court gave Plaintiff thirty days to file an amended complaint. Before the thirty-day period expired, Plaintiff filed a motion to extend the time to amend wherein she stated she was seeking new counsel as her prior attorney had ceased communications with her. See Docket Item No. 18. The Court granted Plaintiff's request and extended the deadline to March 28, 2011. See Docket Item No. 20. Thereafter, Plaintiff filed another extension request on March 28, 2011, stating she would retain new counsel on April 5, 2011. See Docket Item No. 22. The Court again granted Plaintiff's request and extended the deadline to April 28, 2011, but cautioned that "no further extensions will be granted." See Docket Item No. 21.

1 In a motion consisting of only one sentence, Plaintiff now seeks a further extension of time
2 to file an amended complaint despite the Court's specific warning that none would be granted.
3 Plaintiff means to suggest from the bankruptcy reference that she has been distracted from this case,
4 but has not included any materials to support this suggestion. Moreover, Plaintiff still has not
5 retained a new attorney even though she stated in her prior request she would retain one imminently.
6 In short, it appears Plaintiff has done little to progress this case since January 11, 2011, and has not
7 demonstrated why, in over three months, she could not comply with the Court's order to amend her
8 complaint. Considering nothing has been accomplished by the prior extensions, allowing yet
9 another will do nothing more than cause further delay. That being the case, another extension is
10 unwarranted.

11 Regarding Plaintiff's request for a stay, the Court notes the automatic stay provisions of 11
12 U.S.C. §362 do not apply here. Further, the Court finds no good cause to stay this case to the extent
13 Plaintiff seeks to invoke this Court's inherent power to do so.

14 In light of the discussion above, Plaintiff's request to enlarge time is DENIED. In addition,
15 her request for a stay of this case is DENIED. Pursuant to the Court's prior order (see Docket Item
16 No. 21) as well as Defendant's request (see Docket Item No. 26), this case is DISMISSED
17 WITHOUT PREJUDICE. Fed. R. Civ. P. 41(b). The Clerk shall close this file.

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19 Dated: May 2, 2011

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21 EDWARD J. DAVILA
22 United States District Judge
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1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Wendell Jamon Jones wjjones@hightechlawyer.net
3 Jeremy E Shulman jshulman@afrc.com

4 **Dated: May 2, 2011**

Richard W. Wieking, Clerk

5 **By: /s/ EJD Chambers**
6 **Elizabeth Garcia**
7 **Courtroom Deputy**

United States District Court
For the Northern District of California